



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/700,671 | 11/05/2003 | Stefano Celestini | 13682-3 | 6441 |
| 1059 | 7590 | 08/26/2005 | EXAMINER | |
| BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA | | | NGHIEM, MICHAEL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2863 | |

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/700,671 | Applicant(s) CELESTINI, STEFANO | |
| | Examiner Michael P. Nghiem | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 37 is/are allowed.
- 6) ☒ Claim(s) 17-20, 23-27, 31, 32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 21, 22, 28-30, 33 and 38-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6-15-05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The communication filed on June 15, 2005 has been acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-20, 23-27, 31, 32, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Adachi et al. (US 2002/0161551).

Regarding claims 17 and 35, Adachi et al. discloses a system and method for monitoring a machine (1's), said system comprising:

- a machine monitoring device (2) connected to said machine (Fig. 1); said machine monitoring device comprising:
 - input means (inputs to 2, Fig. 2) connected to said machine for receiving inputs from said machine (Fig. 2);
 - an engine (CPU 2c) connected to said input means for performing transformations on said inputs (CPU 2c process inputs, Fig. 2), wherein said

Art Unit: 2863

transformations apply a mathematical operation or a logical operation on said inputs to generate outputs (logical processing by CPU 1c on inputs, Fig. 2);

- a database system (2d) connected to said engine to store said outputs (paragraph 0105, lines 9-13);

- report generating means (PC) connected to said database system for generating reports based on said outputs (Fig. 2);

- a client computing device (3) connected to said machine monitoring device (Fig. 1) by a communications network (communication satellite, Fig. 2) for receiving said reports to allow a user (user, Fig. 1) to monitor said machine from said client computing device (Fig. 1).

Regarding claim 18, Adachi et al. discloses that said report generating means comprises a web server for transmitting said reports in the form of web pages to said client computing device (paragraph 0103, lines 14-17).

Regarding claim 19, Adachi et al. discloses that said report generating means comprises a reporter module (2f) for automatically generating and automatically transmitting said reports to said client computing device (paragraph 0105, lines 13-15).

Regarding claim 20, Adachi et al. discloses that said web server further generates web page user interfaces from which said user can configure said machine monitoring

Art Unit: 2863

device, said transformations, or said reports from said client computing device (paragraph 0103, lines 14-23).

Regarding claim 23, Adachi et al. discloses that said input means comprises a digital input connector for receiving digital inputs from said machine (a digital input convertor, e.g. A/D, exists inherently since the inputs are connected to CPU 2c, Fig. 2).

Regarding claim 24, Adachi et al. discloses that said input means comprises an analog input connector for receiving analog inputs from said machine (2a receives analog inputs, Fig. 2).

Regarding claim 25, Adachi et al. discloses that said output means comprises a digital output connector and said output signals comprise digital output signals (digital output to communication satellite, Fig. 2).

Regarding claim 26, Adachi et al. discloses that said output means comprises a digital output connector and said output signals comprise digital output signals (digital output to communication satellite, Fig. 2).

Regarding claim 27, Adachi et al. discloses that at least one serial port for providing serial communications between said machine and said machine monitoring device (serial output to PC, Fig. 2).

Regarding claim 31, Adachi et al. discloses that said web server comprises a reports CGI module for generating web page user interfaces from which said user may request said reports and enter parameters required for said reports from said client computing device (inherent features when downloading from internet, paragraph 0103, lines 14-23).

Regarding claim 32, Adachi et al. discloses that said web server comprises a configuration CGI module for generating web page user interfaces from which a user may enter or view configuration information from said client computing device (paragraph 0103, lines 14-23).

Regarding claim 34, Adachi et al. discloses that said machine monitoring device further comprises drivers connected to said input means for converting said inputs into values associated with variables by said engine, said engine performing said transformations on said values to generate additional values for said reports, wherein said additional values are associated with report variables, said outputs are comprised of said additional values, and said reports are generated from said additional values associated with said report variables (various output data to be sent to 3 or PC, Figs. 1, 2).

Allowable Subject Matter

Claims 21, 22, 28-30, 33, and 38-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 36 and 37 are allowed.

Reasons For Allowance

The combination or method as claimed wherein a system for monitoring a machine comprising output means connected to said engine for transmitting output signals (claims 21, 22) or an Ethernet port for providing Ethernet communications between said machine and said machine monitoring device (claim 28) or said machine monitoring device further comprises a configuration interface module for reading and writing configuration information (claim 29) or said machine monitoring device is a designated machine monitoring device connected over said communications network to a plurality of machine monitoring devices (claim 33) or configuring said desired reports using said report variables and said desired output signals using said variables and storing configuration information entered within said machine monitoring device (claim 36) or generating email notifications and e-mail notification escalations and transmitting said e-mail notifications and said e-mail notification escalations to said client computing

Art Unit: 2863

device, said e-mail notifications and said e-mail notification escalations being generated by said machine monitoring device based on said inputs and said outputs (claim 38) or said step of performing transformations is performed when a change in said inputs is detected during said monitoring (claim 39) or automatically generating a query by a reporter module within said machine monitoring device at configured time intervals or shifts (claim 40) entering the Internet Protocol address of said machine monitoring device to cause generation of a menu of available reports (41) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

Applicant's arguments filed on June 15, 2005 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that one skilled in the art would not describe the memory (2d) of Adachi as being a "database".

Examiner position is that one definition of "database" is "a large collection of data" (Merriam Webster's Collegiate Dictionary, tenth edition). Adachi discloses that operation data is stored by a CPU (2c) into memory (2d) (paragraph 0105, lines 9-13). Thus, memory (2d) is deemed to store "a large collection of data".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Michael Nghiem', with a stylized flourish at the end.

MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

August 24, 2005